

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1919, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 3, between lines 8 and 9, begin a new paragraph and insert:
- 2 "SECTION 2. IC 13-16-1-6 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. Notwithstanding
- 4 sections 1 through 5 of this chapter or any other law, a board or the
- 5 department may not do any of the following:
- 6 (1) **Except as provided in section 7 of this chapter**, change a fee
- 7 established by:
- 8 (A) IC 13-18-20;
- 9 (B) IC 13-20-21; or
- 10 (C) IC 13-22-12.
- 11 (2) Establish an additional fee that was not in effect on January 1,
- 12 1994, concerning the following:
- 13 (A) National Pollutant Discharge Elimination System
- 14 programs.
- 15 (B) Solid waste programs.
- 16 (C) Hazardous waste programs.
- 17 (3) Require payment of a fee for material used as alternate daily
- 18 cover pursuant to a permit issued by the department under 329
- 19 IAC 10-20-13.
- 20 SECTION 3. IC 13-16-1-7 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 7. Before billing a permitted source under IC 13-18-20, IC 13-20-21, or IC 13-22-12, the commissioner shall review the money in the environmental management permit operation fund established under IC 13-15-11 and make the following adjustments:**

(1) If the balance of the fund collected under IC 13-18-20, once obligated expenditures are subtracted from the balance, exceeds two million five hundred thousand dollars (\$2,500,000) as of July 1 of the billing year, the commissioner shall adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over two million five hundred thousand dollars (\$2,500,000). Adjustments to the individual bills must be proportional to the applicable fee divided by the total amount required by all the applicable fees.

(2) If the balance of the fund collected under IC 13-20-21, once obligated expenditures are subtracted from the balance, exceeds one million eight hundred thousand dollars (\$1,800,000) as of July 1 of the billing year, the commissioner shall adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over one million eight hundred thousand dollars (\$1,800,000). Adjustments to the individual bills must be proportional to the applicable fee divided by the total amount required by all the applicable fees.

(3) If the balance of the fund collected under IC 13-22-12, once obligated expenditures are subtracted from the balance, exceeds one million eight hundred thousand dollars (\$1,800,000) as of July 1 of the billing year, the commissioner shall adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over one million eight hundred thousand dollars (\$1,800,000). Adjustments to the individual bills must be proportional to the applicable fee divided by the total amount required by all the applicable fees.

SECTION 4. IC 13-20-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1. (a) This chapter**

1 **and rules adopted under this chapter apply only to solid waste that**
 2 **is disposed at a solid waste landfill that does not meet Subtitle D**
 3 **design standards of the federal Resource Conservation and**
 4 **Recovery Act as provided in 40 CFR Part 258.**

5 (b) A person may not be required to have solid waste certified as
 6 special waste:

7 (1) for a single shipment of solid waste if:

8 ~~(1)~~ (A) the solid waste is generated by one (1) generator from
 9 one (1) process;

10 ~~(2)~~ (B) the quantity of solid waste generated by the process is
 11 less than one hundred (100) kilograms per month; and

12 ~~(3)~~ (C) the quantity of solid waste disposed of is less than one
 13 thousand (1,000) kilograms per shipment; **or**

14 **(2) unless the solid waste is disposed at a solid waste landfill**
 15 **that does not meet Subtitle D design standards of the federal**
 16 **Resource Conservation and Recovery Act as provided in 40**
 17 **CFR Part 258."**

18 Page 3, after line 15, begin a new paragraph and insert:

19 "SECTION 6. [EFFECTIVE UPON PASSAGE] (a) **The solid waste**
 20 **management board shall adopt rules under IC 4-22-2 and**
 21 **IC 13-14-9 to make the board's rules consistent with IC 13-20-7-1,**
 22 **as amended by this act.**

23 (b) **The solid waste management board shall adopt the rules**
 24 **described in subsection (a) before July 1, 2000.**

25 (c) **A rule adopted by the solid waste management board before**
 26 **the effective date of this SECTION that does not comply with**
 27 **IC 13-20-7-1, as amended by this act, applies only to solid waste**
 28 **that is disposed at a solid waste landfill that does not meet Subtitle**
 29 **D design standards of the federal Resource Conservation and**
 30 **Recovery Act as provided for in 40 CFR Part 258.**

- 1 **SECTION 7. An emergency is declared for this act."**
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1919 as reprinted March 5, 1999.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Gard

Chairperson